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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

YUTTASAK SIMMA,

Petitioner,

v.

ALBERTO GONZALES, in his official capacity  
 as Attorney General of the United States;  
 MICHAEL CHERTOFF, in his official capacity  
 as Secretary of the United States Department of  
 Homeland Security; NANCY ALCANTAR, in  
 her official capacity as Field Office Director for  
 the Office of Detention and Removal Operations  
 for Immigration and Custom Enforcement;  
 DAVID SEPULVEDA, in his official capacity as  
 Director of the Main Jail of the Santa Clara  
 County Correctional Facilities,

Respondents.

No. C 07-3534 MMC

**STIPULATION TO DISMISS; AND  
 [PROPOSED] ORDER**

Subject to the Court's approval, the parties hereby stipulate to dismissal of the action without prejudice because the United States Immigration and Customs Enforcement ("ICE") has agreed to release Petitioner from custody on or before September 6, 2007.

The parties will bear their own costs and fees.

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Stipulation to Dismiss Without Prejudice  
 C-07-3534 MMC

1 Date: September 5, 2007

Respectfully submitted,

2 SCOTT N. SCHOOLS  
United States Attorney

3  
4 /s/  
5 ILA C. DEISS  
Assistant United States Attorney  
6 Attorneys for Respondents

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8  
9 Date: September , 2007

/s/  
RUOYU ROY WANG  
Attorney for Petitioner

10  
11 **ORDER**

12 Pursuant to stipulation, IT IS SO ORDERED.

13  
14  
15 Date:

MAXINE M. CHESNEY  
United States District Judge